

COASTAL ZONE PERMIT REVIEW PROCEDURES

AMENDMENTS TO ARTICLE 3,
SAN FRANCISCO CITY
PLANNING CODE

March 15, 1985

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COASTAL ZONE PERMIT PROCEDURES

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AMENDMENTS TO ARTICLE 3

Sec. 330. PURPOSE AND COASTAL ZONE PERMIT AREA.

(a) Purpose. The purpose of Section 330 through 330.16 is to implement the process of reviewing projects within the Coastal Zone for consistency with the San Francisco Local Coastal Program as required by the California Coastal Act of 1976 as amended.

(b) Coastal Zone Permit Area. The following regulations pertain to the San Francisco Coastal Zone Area designated on Section Maps CZ4, CZ5, and CZ13 of the Zoning Map.

Sec. 330.1 PROJECTS REQUIRING COASTAL ZONE PERMIT REVIEW. All private projects, except those specifically exempt, shall be required to apply to the San Francisco Department of City Planning for a Coastal Zone Permit for demolition, construction, reconstruction, alterations, change of use, change of occupancy, condominium conversions or any other development on or affecting real property located within the designated boundary of the Coastal Zone.

All public projects, except those specifically exempt, shall be required to apply to the San Francisco Department of City Planning for a Coastal Zone Permit, including any development project or change of use in the coastal zone area of Golden Gate Park, the Zoo, or the Lake Merced area.

A Coastal Zone Permit shall be required in addition to any other permit application which may be required elsewhere by the Planning Code, Building Code, or other Municipal Code.

Sec. 330.2 DEFINITIONS. For the purposes of this Section 330 through 330.16, the following definitions shall apply:

(a) An "aggrieved person" for the purpose of appeals to the California Coastal Commission shall be any person who appears at a public hearing in connection with a decision or action appealed to the California Coastal Commission, or who by other appropriate means informed in writing the Zoning Administrator, Planning Commission, or Board of Permit Appeals.

(b) "Emergency" is defined as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

(c) "Environmentally sensitive habitat" is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

(d) The "Local Coastal Program" shall be the San Francisco Western Shoreline Plan, a part of the City's Master Plan, and any of its implementation programs, issue papers and any other documents certified by the California Coastal Commission.

(e) A "project" shall be any of the following:

1. Construction, reconstruction, demolition, or alteration of the size of any building, including any facility of any private, public or municipal utility.
2. Change in the density or intensity of use of land, including but not limited to subdivision(s) and any other division of land, including lot splits, except where the land is for the purchase of such land by a public agency for public recreational use.
3. The placement, building or construction of any solid material or structure, including but not limited to, any building, road pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
4. Grading, removing, dredging, mining, or extraction of any material.
5. Discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, and the mining or extraction of any material.
6. Change in the intensity or use of a body of water or stream, or access thereto.
7. The removal or harvesting of major trees, rare or endangered species, and permanently established riparian vegetation other than for agricultural purposes.

Sec. 330.3 PROJECTS EXEMPT FROM COASTAL ZONE PERMIT REVIEW. No Coastal Zone Permit shall be required for the following projects:

(a) Enlargement, alteration or reconstruction of any existing single-family residence.

(b) Enlargement or alteration of any structure other than a single-family residence or a public structure or facility, provided that these improvements do not have an adverse environmental effect, adversely affect public access, or involve a change in use contrary to any policy of the Local Coastal Program.

(c) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of a structure or use, provided that it does not fall within the requirement in Sec. 330.4 (e), (h), and (i).

(d) The replacement of any structure, other than a public structure or facility, destroyed by natural disaster. Such replacement structure shall (a) conform to applicable Building Code, other standards of this Code and zoning requirements, and other applicable Municipal Code, (2) shall be for the same use as the destroyed structure, (3) shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and (4) shall be sited in the same location on the affected property as the destroyed structure.

(e) The conversion of any existing multiple-unit residential structure to a time-share project, resort club, vacation club, estate, or other short-term use.

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this Code.

(g) Trees, shrubs and other landscaping maintenance activities, including tree trimming and replacement, and new planting provided that this activity does not have an adverse environmental effect, adversely affect public access, or involve a change contrary to any policy of the Coastal Program.

(h) Maintenance dredging of existing navigation channels or moving dredged materials from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

Sec. 330.4 PROJECTS SUBJECT TO COASTAL ZONE PERMIT REVIEW. A Coastal project as defined in Section 330.2(d).

(a) Construction of any residential or commercial building, structure, or project as defined in Section 330.2(d).

(b) Any alteration, enlargement or reconstruction of a structure or building which increases the intensity of use of the structure or building.

(c) Any alteration, enlargement or reconstruction made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion, motel/hotel or time-sharing conversion.

(d) An enlargement or alteration that would result in an increase of 10 percent or more of internal floor area of the existing structure, or increase in height by more than 10 percent of an existing structure on property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the California Coastal Commission.

(e) Any repair or maintenance to facilities, structures or public works located in an environmentally sensitive habitat area, any sand area within 50 feet of the edge of a coastal waters or streams that include the placement or removal, whether temporary or permanent, of rip-rap rocks, sand or other beach materials or any other forms of solid materials.

(f) Alteration or reconstruction of any structure on a beach, wetland, stream, or lake seaward of the mean high tide line; where the structure or proposed improvement would encroach within 50 feet of the edge of a coastal bluff.

(g) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff, or stream or in areas of natural vegetation.

(h) Any method of routine maintenance dredging that involves:

1. The dredging of 100,000 cubic yards or more within a twelve month period.
2. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, or a sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.
3. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the California Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

(i) Any repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

1. Repair or maintenance involving substantial alteration of the protective work including pilings and other surface or subsurface structures.
2. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other form of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries.
3. The replacement of 20 percent or more of the structural materials of an existing structure with materials of a different kind.

Sec. 330.4.1 PROJECTS REQUIRING A COASTAL ZONE PERMIT FROM THE CALIFORNIA COASTAL COMMISSION. The California Coastal Commission shall retain coastal permit review jurisdiction over all tidelands, submerged lands below the mean high tide, and any other area so designated on Sectional Maps CZ4, CZ5, and CZ13 of the Zoning Map, including the Olympic Country Club, Lake Merced, and the Pacific Ocean shore extending 3 miles out to sea from the mean high tide.

Sec. 330.5 APPLICATION FOR A COASTAL ZONE PERMIT. A Coastal Zone Permit shall be applied for at the Department of City Planning concurrent with other necessary project permit(s).

(a) An application for a Coastal Zone Permit where a conditional use authorization is required shall be reviewed subject to the procedures for conditional use applications in Section 303 of the City Planning Code.

(b) An application for a Coastal Zone Permit where a variance application is required shall be reviewed subject to the procedures for variances in Section 305 of the City Planning Code.

(c) An application for a Coastal Zone Permit where a building permit authorization is required shall be reviewed subject to the procedures set forth in the Planning Code, Building Code and part III of the Municipal Code.

(d) City Planning Code amendments and changes to the Zoning Map shall be conducted according to Section 302 of the City Planning Code.

1. Amendments to the Local Coastal Program, include, but are not limited to, any action by the Planning Commission, or Board of Supervisors which authorizes a use of a parcel of land other than that designated in the certified Local Coastal Program as a permitted use of such parcel.
2. Any proposed amendments, set-back proceedings, zoning map changes or interim zoning controls which may alter the Local Coastal Program shall be submitted as a request for an amendment of the Local Coastal Program for review by the California Coastal Commission. No more than three submittals may be made per calendar year. Such amendment shall take effect only after it has been certified by the California Coastal Commission.

Sec. 330.5.1 PERMIT APPLICATION REVIEW FOR CONSISTENCY WITH THE LOCAL COASTAL PROGRAM.

(a) The City Planning Department shall review all Coastal Zone Permit Applications, Building Permit Applications, Conditional Use Applications, Variances, City Planning Code Amendments, and Zoning Map changes within the Coastal Zone for consistency with the requirements and objectives of the San Francisco Local Coastal Program.

(b) The Board of Supervisors and Board of Permit Appeals shall review any appeals of projects for consistency with the requirements and objectives of the San Francisco Local Coastal Program.

Sec. 330.5.2 FINDINGS. The Zoning Administrator or the City Planning Commission, Board of Supervisors or Board of Permit Appeals in reviewing a Coastal Zone Permit Application or an appeal thereof shall adopt factual findings that the project is consistent or not consistent with the Local Coastal Program. A Coastal Zone permit shall be approved only upon findings of fact establishing that the project conforms to the requirements and objectives of the San Francisco Local Coastal Program.

Sec. 330.5.3 DETERMINATION OF PERMIT JURISDICTION. The Zoning Administrator shall determine whether or not a project is exempt or subject to a Coastal Permit Application pursuant to Section 330.2 through 330.4 of the City Planning Code. If the project requires a Coastal Zone Permit Application, the Zoning Administrator shall determine whether project may be appealed to the California Coastal Commission, or whether the project can only be appealed locally to the Board of Supervisors or Board of Permit Appeals.

Sec. 330.5.4 PLANNING COMMISSION REVIEW OF COASTAL ZONE PERMITS. The City Planning Commission shall hold a public hearing on any Coastal Zone Permit Application for which the Zoning Administrator has determined from the findings that the project has a significant impact on the Coastal Zone. Any projects which may be appealed to the California Coastal Commission shall be scheduled for review by the Planning Commission. The City Planning Commission may schedule a public hearing on any Coastal Zone Permit Application on its own motion.

Sec. 330.6 COASTAL COMMISSION NOTIFICATION. The Department of City Planning shall notify the California Coastal Commission of each Coastal Zone Permit Application received as follows:

(a) A written notice to the California Coastal Commission shall be mailed within ten (10) calendar days of filing of a Coastal Zone Permit Application with the Department of City Planning. This notice shall include the application number, address or location, the nature of the project, determination of whether the project is exempt, or appealable to the California Coastal Commission, and schedule for permit review.

(b) A written notice to the California Coastal Commission shall be mailed within seven (7) calendar days after a final decision has been made by the Zoning Administrator or City Planning Commission. Notice of approval shall include the findings, the action taken by the Zoning Administrator or City Planning Commission, conditions of approval if any, and procedures for appeal.

(c) The Department of City Planning shall notify in writing the California Coastal Commission of any appeal of a Coastal Zone Permit to the Board of Supervisors or Board of Permit Appeals. This notification shall take place within ten (10) calendar days of filing the appeal. A notice of final action on the appeal shall be mailed by the Department of City Planning to the California Coastal Commission within seven (7) calendar days of such action.

(d) A local decision on a Coastal Zone Permit shall not be deemed complete until (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not consistent with the Local Coastal Program and (2) when all local rights of appeal have been exhausted.

Sec. 330.7 PUBLIC NOTICE. In addition to the notice standards of Section 306 through 306.5 in this Code, and any other notice requirement by the Building Code or any other notice required by the Municipal Code, the Zoning Administrator shall mail notice of a Coastal Zone Permit Application to residents within 100 feet of the subject property, and mail notice to any person or group who specifically requests notice. The notice shall identify the nature of the project, its location within the coastal zone, the time and date of hearing if any, and appeal procedures.

Sec. 330.8 EMERGENCY COASTAL ZONE AUTHORIZATION. In case of an emergency, a temporary emergency permit may be issued by the Director of Planning until such time as a full Coastal Zone Permit Application shall be filed. The Director of Planning may delegate authority to issue an Emergency Coastal Zone Authorization to the Zoning Administrator.

(a) An applicant may request an Emergency Coastal Zone Authorization by letter to the Director of Planning, in person or by telephone, if time does not allow. The following information shall be included in the request:

1. The nature of the emergency.
2. The cause of the emergency, insofar as this can be established.
3. The location of the emergency.

4. The remedial, protective, or preventive work required to deal with the emergency.
5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.

(b) The Director shall verify the facts, including the existence and the nature of the emergency, insofar as time allows. The Director shall provide public notice of the emergency work, with the extent and type of notice determined on the basis of the nature of emergency. If time does not allow for public notice to be given before the emergency work begins, the Director shall provide public notice of the action taken soon thereafter. The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Director finds that:

1. An emergency exists that requires action more quickly than permitted by the procedures for administrative permits or for regular permits and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit.
2. Public comment on the proposed emergency action has been reviewed, if time allows.
3. The work proposed would be consistent with the requirements of the Local Coastal Program.

(c) The Director shall not issue an Emergency Coastal Zone Permit for any work that falls within an area that the Coastal Commission retains direct permit review authority as designated on Section Maps CZ4, CZ5, and CZ13 of the Zoning Map. In such areas, an applicant may request an "emergency" Coastal Permit from the California Coastal Commission.

(d) The Director shall report, in writing, to the Coastal Commission and to the Planning Commission, at its first scheduled meeting after the emergency permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing. The report of the Director shall be informational only; the decision to issue an Emergency Coastal Zone Permit is solely at the discretion of the Director or Zoning Administrator as delegated in Section 330.8.

Sec. 330.9 APPEAL PROCEDURES.

(a) Appeal Procedures for all Coastal Zone Permits are the same as those for permit appeals as described in Sections 308 through 308.2 of this Code. Coastal Zone Permit Applications follow the appeal procedures as for building permits, variances, conditional uses, subdivision master plan referrals, and any other required permit review procedure which is required for any project for which a Coastal Zone Permit Application is also required. Local appeal of a Coastal Zone Permit is not subject to the aggrieved party provisions in Section 330.2(a) of this Code, but must comply to its corresponding appeal

procedures for any other permit required by the City Planning Code, Building Code, or any other Municipal Code. Where a Coastal Zone Permit is required alone, without any other City Planning Code, Building Code, or any other Municipal Code Permit, an appeal for a Coastal Zone Permit shall follow the appeal procedures for variances in Section 308.2 of this Code.

(b) Appeal to the California Coastal Commission is available only for approved projects in the appealable area of the Coastal Zone, as designated in Sectional Maps CZ4, CZ5, and CZ13 of the Zoning Map. Disapproved Coastal Zone Permit Applications are not appealable to the California Coastal Commission.

(c) A Coastal Zone Permit which may be appealed to the California Coastal Commission can be appealed by filing with the California Coastal Commission within 10 working days after the California Coastal Commission receives notice of final action from the Department of City Planning. Appeals to the California Coastal Commission are subject to the aggrieved party provisions in Section 330.2(a).

(d) An applicant is required to exhaust local appeals before appealing to the California Coastal Commission.

(e) Major public works and energy facilities within the Coastal Zone may be appealed to the California Coastal Commission whether approved or not by the local government.

Sec. 330.10 APPEALABLE PROJECTS. The following projects may be appealed to the California Coastal Commission:

(a) Projects approved between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, or as otherwise indicated in Sectional Maps CZ4, CZ5, and CZ13 of the Zoning Map.

(b) Projects approved and located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.

(c) Any project which constitutes a major public works project or a major energy facility, including the following:

1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. A railroad whose primary business is the transportation of passengers shall not be considered public works nor a development if at least 90 percent of its routes located within the coastal zone utilize existing rail or highway rights-of-way.

3. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
4. All community college facilities.
5. Major public works or energy facility with an estimated cost of \$100,000 or more.
6. Energy facilities is any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

Sec. 330.11 WHO MAY APPEAL A COASTAL ZONE PERMIT TO THE CALIFORNIA COASTAL COMMISSION. Appeal of a local decision may be filed by: (1) an applicant; (2) any aggrieved person as defined in Section 330.2(a); or (3) any two members of the California Coastal Commission. In the case of appeal by two Coastal Commission members local appeal need not be exhausted.

Sec. 330.12 PERMIT APPROVAL BY OPERATION OF LAW.

(a) If the City Planning Department has failed to act on a Coastal Zone Permit Application within a one year period from the date of which the application has been accepted as complete. The person claiming a right to proceed shall notify in writing the Zoning Administrator of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

(b) When an applicant claims that a Coastal Zone Permit Application has been approved by operation of law, a written notice shall be mailed by the Zoning Administrator within seven (7) calendar days of such action to the California Coastal Commission and any person entitled to receive notice that the application has been approved by operation of law. Approval of a Coastal Zone Permit Application by expiration of time limitation may be appealed to the California Coastal Commission.

Sec. 330.13 EFFECTIVE DATE OF APPROVED PROJECTS.

(a) A final decision on an application for an appealable project shall become effective after a ten (10) working day appeal period to the California Coastal Commission has expired, unless either of the following occur: (1) a valid appeal is filed in accordance with City and State regulations, or (2) local government requirements are not met per section 330.6(b). When either of the above occur, the California Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local government and the applicant that the local government action has been suspended. The applicant shall cease construction immediately if that occurs.

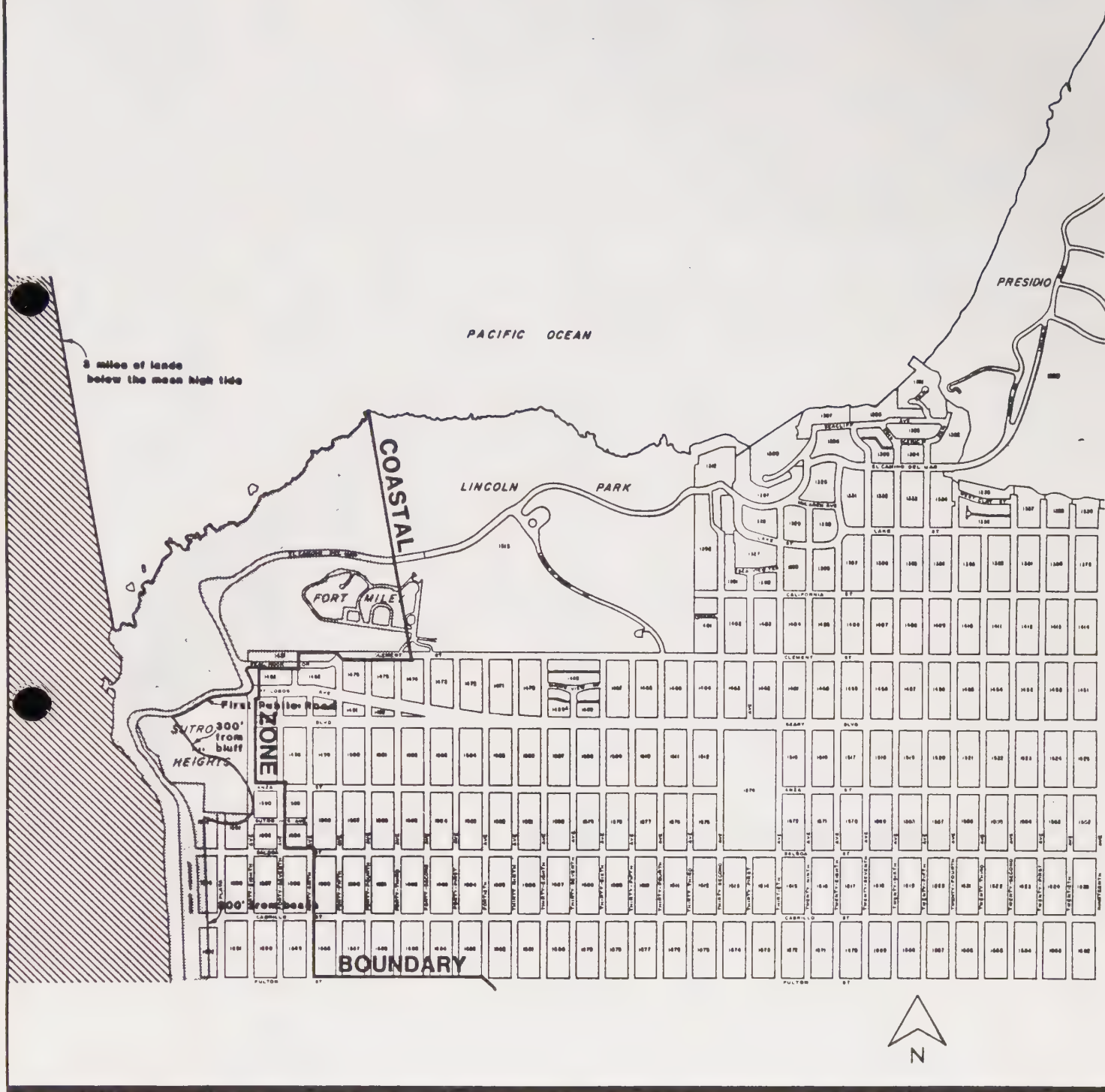
(b) Coastal Zone Permits for projects not appealable to the California Coastal Commission shall become effective only after other required planning or building permit applications have been issued.

Sec. 330.14 EXPIRATION DATE AND EXTENSIONS. A Coastal Zone Permit shall expire one year from the date of issuance unless otherwise explicitly modified by approval conditions for the project. The Zoning Administrator may extend a Coastal Zone Permit prior to its expiration for up to 12 months from its original date of expiration. Coastal Zone Permit extensions may be granted upon findings that the project continues to be in conformance with the Local Coastal Program.

Sec. 330.15 COASTAL ZONE PERMIT FEES. Before accepting any Coastal Zone Permit Application for filing, the Department of City Planning shall charge and collect a fee as set forth in Section 351(d) for processing a Coastal Zone Permit Application. No fees shall be established for appealing any Coastal Zone Permit.

Sec. 330.16 PROCEDURAL PERMIT REVIEW CHANGES. Any proposed changes in the Coastal Zone Permit procedures specified in Sections 330 through 330.16, or any subsequent action by the Board of Supervisors, Planning Commission or Zoning Administrator pertaining to the permit review process of Coastal Zone Permits shall be submitted to the California Coastal Commission for its review prior to final approval. The California Coastal Commission shall take action on any such amendments within a reasonable time period after the submittal of any such proposals.

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COASTAL ZONE AREA

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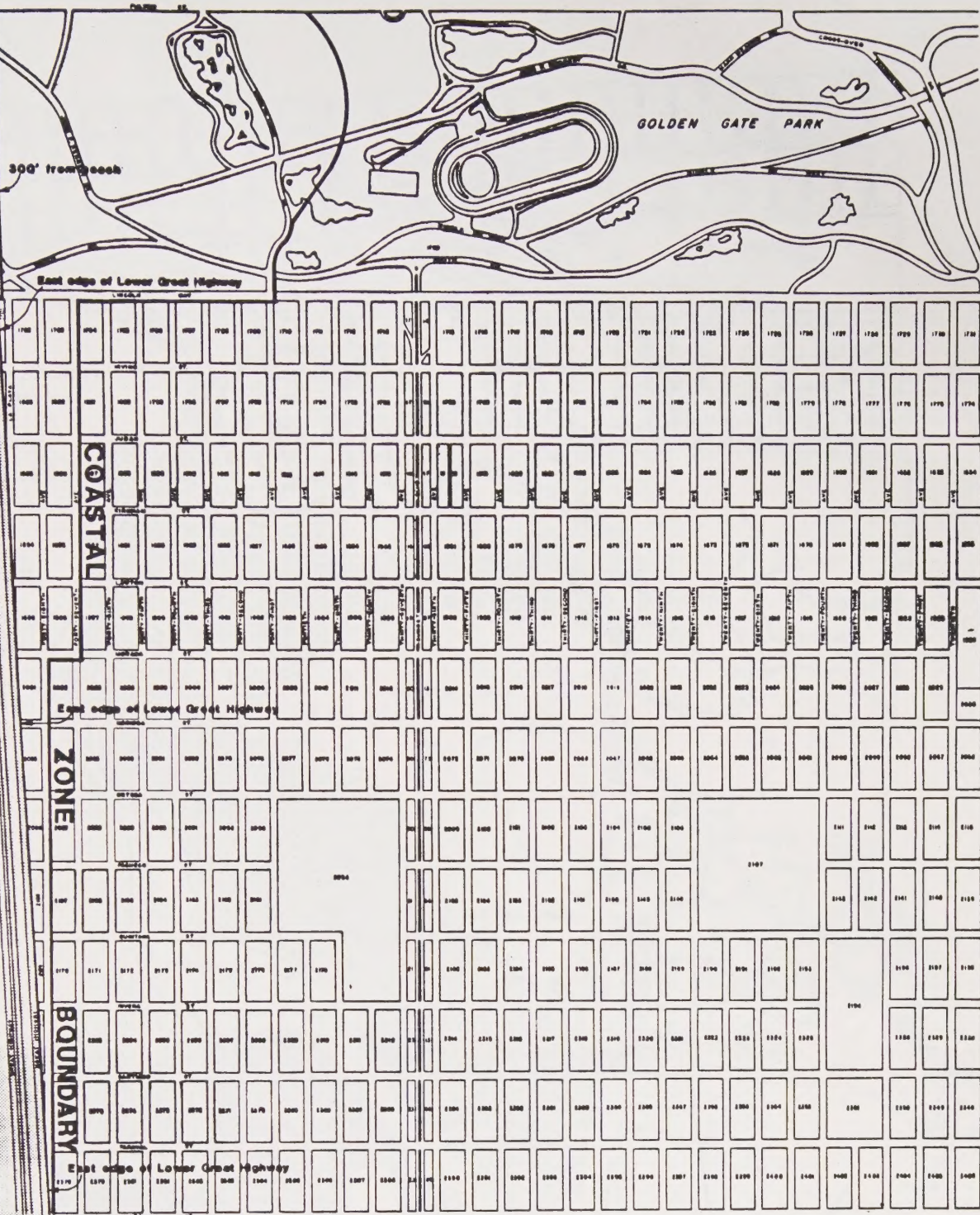
CZ4

- Local Coastal Zone Permit Area
- Area appealable to the California Coastal Commission*
- Jurisdiction retained by the California Coastal Commission

San Francisco Municipal Code
Part II, Chapter II, Section 330
through 330.16, 1985

* If a parcel is bisected by the appeal area boundary, only that portion of the parcel within the appeal area is subject to appeal to the California Coastal Commission.




PACIFIC COAST



COASTAL ZONE AREA

SHEET

CZ5

-  Local Coastal Zone Permit Area
-  Area appealable to the California Coastal Commission
-  Jurisdiction retained by the California Coastal Commission

San Francisco Municipal Code
Part II, Chapter II, Section 330
through 330.16, 1985



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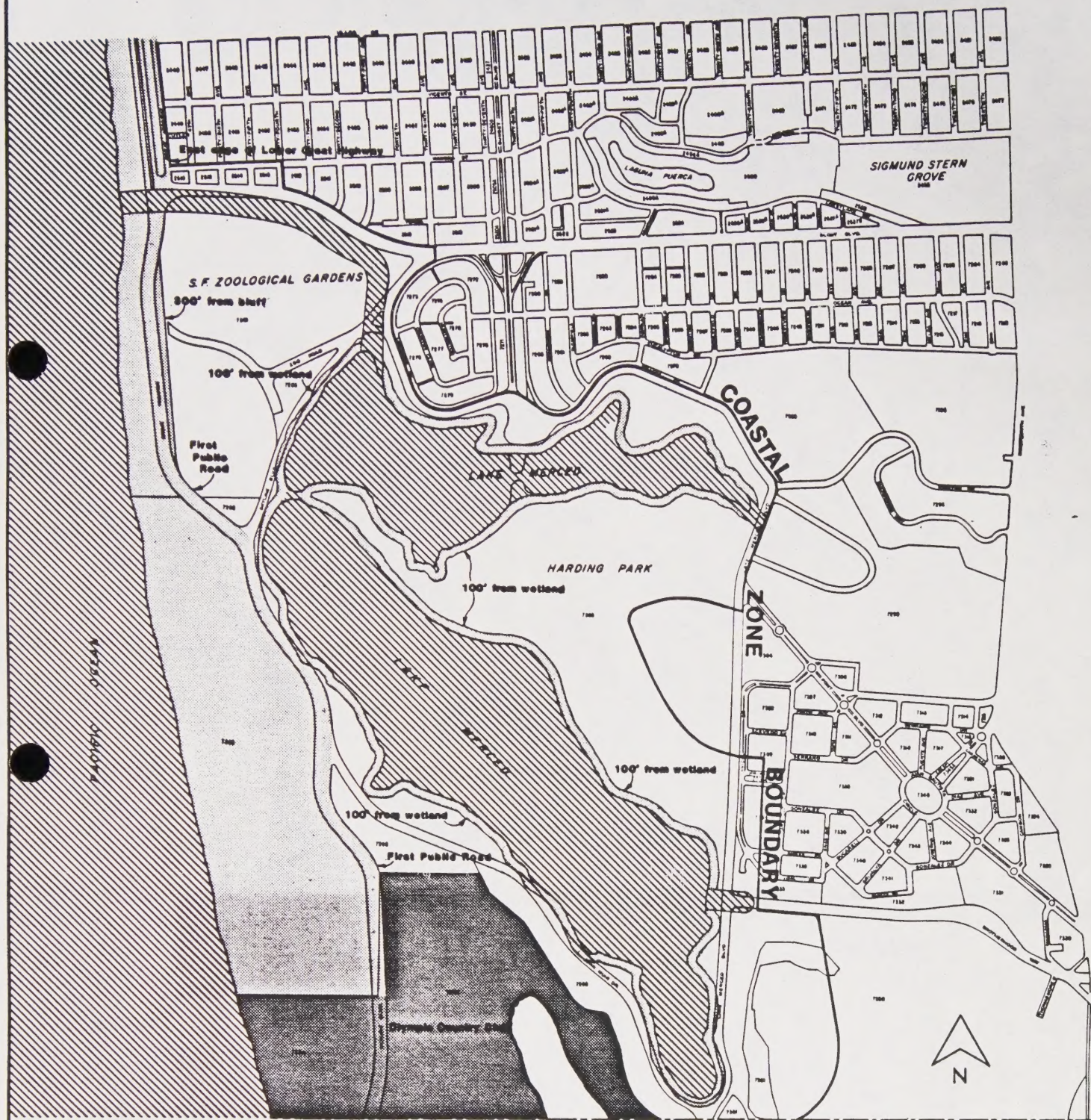
COASTAL ZONE AREA

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COASTAL ZONE AREA

- Local Coastal Zone Permit Area
- ▨ Area appealable to the California Coastal Commission
- ▧ Jurisdiction retained by the California Coastal Commission
- Segmentation of Olympic Country Club Area by the California Coastal Commission

San Francisco Municipal Code
Part II, Chapter II, Section 330
through 330.16, 1985

SHEET
CZ13



COASTAL ZONE AREA

Scale: 1:50,000
Date: 1/1/80
Author: J. Smith

This map shows the coastal zone area of the United States. It includes the coastline, major cities, and the surrounding waters. The map is oriented with North at the top.

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